IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 974 OF 1998.

Union of India ... Appellant.

Versus.

M/s.Daguji Bhaurao and others. ... Respondents.

Shri A.N.Samant for the Appellant.

Shri G.J.Mohanrao for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 8th March, 2007.

P.C.:

1. Shri Mohanrao undertakes to file vakalatnama for the Respondents within a period of four weeks from today.

2. Heard the Advocate for the Appellant and the Advocate for the Respondents. The Advocates for the parties state that the Appeal may be disposed of by passing an order in terms of the order in First Appeal No.280 of 1999. The Advocates for the parties agree that no reasons be assigned for passing the order.

3. I have perused the order dated 3rd May 2006 passed in the said First Appeal No.280 of 1999. Considering the facts and circumstances of the case, the Appeal can be disposed of by passing a similar order.

4. Hence the following order:

i) The liability of payment will be that of the General Manager, Central Railway only.

ii) The principal amount awarded by the Claims Tribunal shall carry interest at the rate of 4% p.a. from the date of application till realisation or till the date of payment/deposit with proportionate costs.

iii) The amount deposited, if found in excess after calculation, shall be returned/ refunded to be Central Railway.

iv) The Respondents shall be at liberty to withdraw the amount as per the above calculation.

v) The Appeal is partly allowed in the above terms.

vi) There will be no order as to costs.

Judge.